

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

ZIMMERMAN AG & CATTLE
COMPANY, LLC and RANDY NUNN

Plaintiffs,

vs.

NAU COUNTRY INSURANCE
COMPANY,

Defendant.

CV 18-5-BLG-TJC

**ORDER DENYING MOTION
TO REMAND**

This action was originally brought in the Tenth Judicial District Court, Petroleum County, in the State of Montana. On January 12, 2018, Defendant Nau Country Insurance Company (“Defendant”), timely removed on the basis of diversity jurisdiction under 28 U.S.C. § 1332(a) and 1441. (Doc. 1.) Thereafter, Plaintiffs filed a Motion to Remand. Plaintiffs argue both Defendant and Plaintiff Zimmerman Ag & Cattle Company, LLC (“Zimmerman AG”) are Minnesota entities, and thus, there is not complete diversity. (Doc. 4.)

Defendant filed an opposition asserting Plaintiffs misstate the criteria to determine citizenship for a limited liability company. (Doc. 9.) Defendant contends Zimmerman Ag is a single member entity, and the sole member, Gregory A. Zimmerman, is a citizen of Montana. Therefore, Zimmerman Ag is considered a citizen of Montana for purposes of diversity jurisdiction.

In reply, Plaintiffs concede that Defendant's argument "is well-taken, and that they accede to the jurisdiction of this Court."¹ (Doc. 14 at 2.) The Court agrees, and finds that there is complete diversity of citizenship between the parties.

Accordingly, Plaintiffs' Motion to Remand is **DENIED**.

IT IS ORDERED.

DATED this 4th day of September, 2018.



TIMOTHY J. CAVAN
United States Magistrate Judge

¹ Plaintiffs are advised that they may move to withdraw a motion at any time if they determine there is no longer a basis for the motion.